

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-10-100-GF-BMM

Plaintiff,

vs.

ROLAND HANK COBELL,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 16, 2021. (Doc. 122.) When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 14, 2021. (Doc. 121.) The United States accused Cobell of violating his conditions of supervised release 1) by failing to report for substance abuse testing; 2) by using methamphetamine on four separate occasions; 3) by using marijuana; 4) by failing to report for substance abuse treatment; 5) by failing to comply with the terms of his home confinement on two separate occasions; 6) by failing to answer the questions of his probation office truthfully; and 7) by failing to maintain regular employment. (Doc. 120.)

At the revocation hearing, Cobell admitted that he had violated the conditions of his supervised by 1) by failing to report for substance abuse testing; 2) by using methamphetamine on four separate occasions; 3) by using marijuana; 4) by failing to report for substance abuse treatment; 5) by failing to comply with the terms of his home confinement; 6) by failing to answer the questions of his probation office truthfully. Cobell did not admit or deny alleged violations 9 and 10 and the government did not satisfy its burden of proof with respect to alleged violations 9 and 10. (Doc. 121.) Judge Johnston found that the violations Cobell admitted proved to be serious and warranted revocation, and recommended that Cobell receive a custodial sentence of 6 months, with 30 months of supervised release to follow. (Doc. 122.) Cobell was advised of his right to appeal and his right to

allocute before the undersigned. (Doc. 121.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 122) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Roland Hank Cobell be sentenced to the Bureau of Prisons for 6 months, with 30 months supervised release to follow.

DATED this 4th day of January, 2022.



Brian Morris, Chief District Judge
United States District Court